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AT SEATTLE  
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WESTERN DISTRICT OF WASHINGTON

BY

DEPUTY

Hon. John H. Chun

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

Kurt A. Benshoof  
A.R.W. by an through  
his father, Kurt Benshoof,  
Plaintiffs,

v.

Marshall Ferguson, et al.,  
Defendants.

No. 2:24-cv-00808-JHC

NOTICE AND  
MOTION FOR  
STAY

I. INTRODUCTION

Plaintiffs give notice to the Court and all parties that, due to the ongoing malfeasance, misfeasance, and nonfeasance by King County officials, City of Seattle officials, and other co-conspirators of the Defendants, Benshoof is unable

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to write and file documents in this case and moves for an indefinite stay until such time as King County official, City of Seattle officials, defendants, and their co-conspirators, are enjoined from violating Plaintiffs liberty interests, first amendment rights, and due process rights.

## II. STATEMENT OF FACTS

1. The computers and phone used by Benshoof to litigate this case were seized by Seattle Police Department ("SPD") Detective Ryan Ellis on July 3, 2024 with a general warrant when twenty-one (21) SPD SWAT busted out the windows of Benshoof's home church with chemical weapons canisters.
2. The CM/ECF and gmail passwords used by Benshoof are stored on

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the computers seized, and currently held, by the SPD.

3. The computers and phone contain the personal papers and effects of Benshoof, including evidence and documents required to litigate this case, yet Benshoof is being denied access to his personal papers and effects.

4. Benshoof has been unlawfully imprisoned by City of Seattle and King County officials since July 3, 2024, despite filing a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2241, challenging the pretrial detention as presumptively invalid. See WAWD No. 2:24-cv-01110-JNW-SKV.

5. Benshoof also sought habeas relief with the Washington Supreme Court pursuant to Wash. Const. art I § 13

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and RCW 7.36.140, yet the Clerk of the Washington Supreme Court claimed the authority to convert Benshoof's habeas petition into a "personal restraint petition." See Washington Supreme Court No. 103401-6 and Washington Court of Appeals No. 87100-5.

7. When Benshoof's friend Brett Fountain attempted to file a petition for writ of habeas corpus on behalf of Benshoof, pursuant to Wash. Const. art. II § 6, with King County Superior Court Clerk Catherine Cornwall, the Clerk of Court refused to docket the habeas petition.

8. Benshoof has sought accommodations under the ADA for the previous two months due to his being diagnosed by a neurologist with bi-lateral Carpal

tunnel syndrome and needing a keyboard to write briefs in lieu of the three inch golf pencils supplied by King County officials. To date, despite Seattle Municipal Judge Andrea Chin granting Benshoof an order requiring King County officials at the Maleng Regional Justice Center ("MRJC") to provide Benshoof with either a typewriter or a computerized word processor and printer, no such accommodations have been provided.

9. Jail staff are limiting Benshoof to five (5) 10x13 manilla envelopes per week, and jail staff prohibit more than twelve (12) pages per envelope.
10. In addition to nearly one hundred baseless criminal charges brought against Benshoof by City of Seattle, and another four charges by King

County, Benshoof is litigating another fifteen cases in state and federal courts, from King County to the United States Supreme Court.

II. Benshoof has been prohibited from any internet access since July 3, 2024.

### III. ARGUMENT AND AUTHORITY

The irony is noteworthy. After Plaintiffs filed suit because Marshall Ferguson acted to effectively suspend Benshoof's right to petition for writ of habeas corpus, Now King County Clerk Catherine Cornwall and Washington Supreme Court Clerk Sarah Pendleton have also violated Wash. Const. art I § 13. It is no coincidence that corrupt Judge Jamal Whitehead has refused

to adjudicate Benshoof's habeas petition. Despite congressional law requiring Whitehead to adjudicate the habeas petition within three days, Whitehead is once again acting as a co-conspirator to violate Benshoof's fundamental rights under color of law. Tsk, Tsk. Consider this notice Benshoof's Letter from Birmingham Jail. Truth and justice will prevail.

The United States Constitution art I § 9 Cl. 2 ensures that the privilege of habeas corpus shall never be suspended, except in a time of war. Similarly, Wash. Const. art I § 13 protects the right of the people to seek habeas relief against any unlawful imprisonments.

What is occurring is an egregious

Adickes v. S.H. Kress

and blatant violation of the Equal Protection Clause and the Privileges or Immunities Clause of the Fourteenth Amendment. "When the state police, the state prosecutors, and the state courts unite" to suspend habeas corpus "the state violates the Fourteenth Amendment," Bell v. State of Maryland, 378 U.S. 226, 259 (1964).

Private parties, such as attorneys Blair Ricks, Sarah Turner, and Michael Tracy, "act under color of state law if they willfully participate in joint action to deprive others of constitutionally rights." Dennis v. Sparks, 449 U.S. 24, 27 (1980) Adickes v. S.H. Kress Co., 398 U.S. 144, 152 (1970), U.S. v. Price, 383 U.S. 787, 794 (1966)" United Steelworkers v. Phelps Dodge, 865 F.2d 1539, 1540 (1989).

"To prove a conspiracy between the state and parties under § 1983 [plaintiffs]

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must show 'an agreement or meeting of the minds to violate constitutional rights.'" United Steelworkers v. Phelps Dodge, at 1541.

The state's conspiracy to suspend the writ of habeas corpus is hiding in plain sight under the guise of "personal restraint petitions" which require months to adjudicate, thereby negating the inherent power of habeas corpus to immediately challenge the validity of a pretrial detention. Plaintiffs give notice of their intent to amend their complaint to join additional defendants.

"The existence or nonexistence of a conspiracy is essentially a factual issue that the jury, not the trial judge, should decide... The right to confront, cross-examine, and impeach adverse witnesses is one of the most fundamental rights sought to be preserved by the Seventh Amendment provision for jury trials in

civil cases." Adickes v. S.H. Kress Co., 398 U.S. 144, 176 (1970),

Activist judges and clerks have no place in our judicial system. "[J]udges have power to say what the law is, not what it should be." Obergefell v. Hodges, 576 U.S. 644, 686 (2015)

Kurt Benshoof states the foregoing under penalty of perjury of the laws of the United States this fifth day of September 2024 in Kent, Washington.

Kurt A. Benshoof  
Kurt A. Benshoof



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